

Union Calendar No. 89

104TH CONGRESS
1ST SESSION

H. R. 1175

[Report No. 104-123, Parts I and II]

A BILL

To amend Public Law 89-454 to provide for the
reauthorization of appropriations.

JULY 11, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

MAY 16, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 17, 1995

The Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Science for a period ending not later than June 30, 1995, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Science pursuant to clause 1(n), rule X

JUNE 30, 1995

Referral to the Committee on Science extended for a period ending not later than July 11, 1995

JULY 11, 1995

Additional sponsors: Mr. SAXTON, Mr. MILLER of California, Mr. STUDDS, Mrs. MORELLA, Mr. MANTON, Mr. MONTGOMERY, Mr. GILCHREST, Ms. LOFGREN, Mr. REED, Mr. JOHNSTON of Florida, Mr. McDERMOTT, Mr. GENE GREEN of Texas, Mr. TORKILDSSEN, Mr. PICKETT, Mrs. MINK of Hawaii, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. JONES, Mr. PALLONE, Mr. MARKEY, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. QUINN, Mr. HASTINGS of Florida, Mr. KENNEDY of Massachusetts, Mr. METCALF, Mr. ROMERO-BARCELÓ, Ms.

PELOSI, Mr. FRAZER, Mr. LOBIONDO, Mr. GEJDENSON, Mr. BATEMAN, Mr. KLUG, Mr. BILBRAY, Mrs. FOWLER, Mr. HILLIARD, Ms. SLAUGHTER, Mrs. SEASTRAND, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. OBERSTAR, Mr. CLYBURN, Mr. HOYER, Mr. SPENCE, Mr. LAZIO of New York, Mr. DELLUMS, Mr. DE LA GARZA, Mrs. THURMAN, Ms. RIVERS, Mr. HAMILTON, Mr. STUPAK, Mr. SHAW, Mr. CALLAHAN, Mr. LATOURETTE, Mrs. LOWEY, Mr. DINGELL, Mr. FIELDS of Louisiana, Mr. DIXON, Mr. EVANS, Mr. WILSON, Mr. FARR, Mr. BLUTE, Mr. LONGLEY, Mr. DEUTSCH, Mr. PETERSON of Florida, Mr. YOUNG of Florida, Mr. GOSS, Mr. TORRICELLI, Mrs. MEEK of Florida, Mr. TAUZIN, Mr. CONYERS, Mr. FORBES, Mr. TOWNS, Mr. ACKERMAN, Mr. RIGGS, Mr. DICKS, Mr. ENGEL, Mr. CAMP, and Mr. LAUGHLIN

JULY 11, 1995

Reported from the Committee on Science with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

A BILL

To amend Public Law 89–454 to provide for the
reauthorization of appropriations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Resources Re-
5 vitalization Act of 1995”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 212(a) of Public Law 89–454 is amended to
8 read as follows:

9 “(a) ~~IN GENERAL.~~—There is authorized to be appro-
10 priated to carry out sections 205 and 208 of this title such

1 sums as may be necessary for each of fiscal years 1996
 2 through 2000.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Marine Resources Revi-*
 5 *talization Act of 1995”.*

6 **SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE**
 7 **PROGRAM ACT.**

8 *Except as otherwise expressly provided, whenever in*
 9 *this Act an amendment or repeal is expressed in terms of*
 10 *an amendment to, or repeal of, a section or other provision,*
 11 *the reference shall be considered to be made to a section or*
 12 *other provision of the National Sea Grant College Program*
 13 *Act (33 U.S.C. 1121 et seq.).*

14 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

15 *(a) FIELD RELATED TO OCEAN, COASTAL, AND GREAT*
 16 *LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4))*
 17 *is amended—*

18 *(1) by inserting “marine biotechnology,” after*
 19 *“marine technology,”; and*

20 *(2) by inserting “shellfish disease studies,” after*
 21 *“marine affairs and resource management,”.*

22 *(b) SEA GRANT INSTITUTION.—Section 203 (33 U.S.C.*
 23 *1122) is amended by adding at the end the following new*
 24 *paragraph:*

1 “(16) The term ‘sea grant institution’ means a
2 sea grant college or a sea grant regional consortium.”.

3 **SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLAN-**
4 **NING GUIDELINES AND PRIORITIES AND**
5 **EVALUATION.**

6 Section 204(a) (33 U.S.C. 1123(a)) is amended in the
7 last sentence by inserting after “The Secretary” the follow-
8 ing: “, in consultation with the sea grant institutions and
9 the panel established under section 209,”.

10 **SEC. 5. DUTIES OF DIRECTOR.**

11 Section 204(c) (33 U.S.C. 1123(c)) is amended to read
12 as follows:

13 “(c) DUTIES OF DIRECTOR.—

14 “(1) IN GENERAL.—The Director shall admin-
15 ister the National Sea Grant College Program subject
16 to the supervision of the Secretary and the Under Sec-
17 retary. In addition to any other duty prescribed by
18 law or assigned by the Secretary, the Director shall—

19 “(A) advise the Under Secretary with re-
20 spect to the expertise and capabilities which are
21 available within or through the National Sea
22 Grant College Program, and provide (as directed
23 by the Under Secretary) those which are or could
24 be of use to other offices and activities within the
25 Administration;

1 “(B) encourage other Federal departments,
2 agencies, and instrumentalities to use and take
3 advantage of the expertise and capabilities which
4 are available through the National Sea Grant
5 College Program, on a cooperative or other basis;

6 “(C) encourage cooperation and coordina-
7 tion with other Federal programs concerned with
8 ocean, coastal, and Great Lakes resources con-
9 servation and usage;

10 “(D) advise the Secretary on the designa-
11 tion of sea grant institutions and, in appro-
12 priate cases, if any, on the termination or sus-
13 pension of any such designation;

14 “(E) encourage the formation and growth of
15 sea grant programs; and

16 “(F) oversee the operation of the National
17 Sea Grant Office established under subsection
18 (a).

19 “(2) DUTIES WITH RESPECT TO SEA GRANT IN-
20 STITUTIONS.—With respect to the sea grant institu-
21 tions, the Director shall—

22 “(A) evaluate the programs of the institu-
23 tions, using the guidelines and priorities estab-
24 lished by the Secretary under subsection (a), to

1 ensure that the objective set forth in section
2 202(b) is achieved;

3 “(B) subject to the availability of appro-
4 priations, allocate funding among the sea grant
5 institutions so as to—

6 “(i) promote healthy competition
7 among those institutions,

8 “(ii) promote achievement of the goals
9 established by the institutions under sub-
10 section (e), and

11 “(iii) to the maximum extent consist-
12 ent with the other provisions of this sub-
13 paragraph, provide a stable base of funding
14 for the institutions; and

15 “(C) ensure compliance by the institutions
16 with the guidelines for merit review published
17 pursuant to section 207(b)(2).”.

18 **SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

19 Section 204 (33 U.S.C. 1123) is amended by adding
20 at the end the following new subsection:

21 “(e) *DUTIES OF THE SEA GRANT INSTITUTIONS.*—
22 Subject to any regulations or guidelines promulgated by the
23 Secretary, it shall be the responsibility of each sea grant
24 institution to—

1 “(1) develop, in consultation with the Secretary
2 and the panel established under section 209, goals for
3 its program that are consistent with the guidelines
4 and priorities developed under section 204(a);

5 “(2) conduct merit review of all applications for
6 project grants or contracts to be awarded under sec-
7 tion 205; and

8 “(3) demonstrate significant progress toward the
9 goals established under this section.”.

10 **SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.**

11 (a) *REPEAL*.—Section 3 of the Sea Grant Program
12 Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

13 (b) *CONFORMING AMENDMENT*.—Section 209(b)(1) (33
14 U.S.C. 1128(b)(1)) is amended by striking “and section 3
15 of the Sea Grant Program Improvement Act of 1976”.

16 **SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

17 Section 207 (33 U.S.C. 1126) is amended to read as
18 follows:

19 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT RE-**
20 **GIONAL CONSORTIA.**

21 “(a) *DESIGNATION*.—The Secretary may designate an
22 institution of higher learning as a sea grant college, and
23 an association or alliance of two or more persons as a sea
24 grant regional consortium, if the institution, association,
25 or alliance—

1 “(1) is maintaining a balanced program of re-
2 search, education, training, and advisory services in
3 fields related to ocean, coastal, and Great Lakes re-
4 sources and has received financial assistance under
5 section 205 of this Act or under section 204(c) of the
6 National Sea Grant College and Program Act of
7 1966;

8 “(2) will encourage and follow a regional ap-
9 proach to solving problems or meeting needs relating
10 to ocean, coastal, and Great Lakes resources, in co-
11 operation with appropriate sea grant colleges, sea
12 grant programs, and other persons in the region;

13 “(3) will act in accordance with such guidelines
14 as are prescribed under subsection (b)(2); and

15 “(4) meets such other qualifications as the Sec-
16 retary considers necessary or appropriate.

17 “(b) REGULATIONS AND GUIDELINES.—

18 “(1) IN GENERAL.—The Secretary shall by regu-
19 lation prescribe the qualifications required to be met
20 under subsection (a)(4).

21 “(2) MERIT REVIEW.—Within 6 months of the
22 date of enactment of the Marine Resources Revitaliza-
23 tion Act of 1995, the Secretary, after consultation
24 with the sea grant institutions, shall publish in the
25 Federal Register guidelines for the conduct of merit

9 *Section 208(c) (33 U.S.C. 1127(c)) is repealed.*

12 *Section 209 (33 U.S.C. 1128) is amended—*

13 (1) in subsection (a) by striking the second sen-
14 tence; and

15 (2) in subsection (c)(6) by striking “a biannual”
16 and inserting “an annual”.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

21 “(a) *GRANTS, CONTRACTS, AND FELLOWSHIPS.*—There
22 is authorized to be appropriated to carry out sections 205
23 and 208—

24 “(1) \$50,600,000 for fiscal year 1996;

25 “(2) \$52,500,000 for fiscal year 1997; and

1 “(3) \$54,500,000 for fiscal year 1998.”.

2 (b) ADMINISTRATION.—Section 212(b) (33 U.S.C.
3 1131(b)) is amended—

4 (1) by striking so much as precedes paragraph
5 (2) and inserting the following:

6 “(b) ADMINISTRATION.—

7 “(1) AUTHORIZATION.—There is authorized to be
8 appropriated for administration of this Act, includ-
9 ing section 209, by the National Sea Grant Office and
10 the Administration—

11 “(A) \$2,700,000 for fiscal year 1996;

12 “(B) \$2,000,000 for fiscal year 1997; and

13 “(C) \$1,500,000 for fiscal year 1998.”;

14 (2) in paragraph (2)—

15 (A) by striking “subsections (a) and (c)”
16 and inserting “subsection (a)”; and

17 (B) by striking “(2)” and inserting “(2)
18 LIMITATION ON USE OF OTHER AMOUNTS.—”;

19 and

20 (3) by moving paragraph (2) 2 ems to the right,
21 so that the left margin of paragraph (2) is aligned
22 with the left margin of paragraph (1), as amended by
23 paragraph (1) of this subsection.

1 (c) *REPEAL.*—Section 212 (33 U.S.C. 1131) is amend-
 2 ed by repealing subsection (c) and redesignating subsections
 3 (d) and (e) in order as subsections (c) and (d).

4 **SEC. 12. CLERICAL AND CONFORMING AMENDMENTS.**

5 (a) *CLERICAL AMENDMENT.*—Section 209, as amended
 6 by section 10(1) of this Act (33 U.S.C. 1128(b)), is amended
 7 by striking all of the matter that follows the first full sen-
 8 tence through “shall advise”, and inserting “(b) *DUTIES.*—
 9 The panel shall advise”.

10 (b) *CONFORMING AMENDMENTS.*—

11 (1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is
 12 amended by striking “maximum rate for GS-18” and
 13 all that follows through the end of the sentence and
 14 inserting “maximum rate payable under section 5376
 15 of title 5, United States Code.”.

16 (2) Section 209(c)(5)(A) (33 U.S.C.
 17 1128(c)(5)(A)) is amended by striking “the daily rate
 18 for GS-18 of the General Schedule under section 5332
 19 of title 5, United States Code” and inserting “the
 20 maximum daily rate payable under section 5376 of
 21 title 5, United States Code”.

22 (3) Section 209 (33 U.S.C. 1128) is amended—
 23 (A) in subsection (b)(3) by striking “colleges
 24 and sea grant regional consortia” and inserting
 25 “institutions”; and

1 (B) in subsection (c)(1) in the last sentence
2 in clause (A) by striking “college, sea grant re-
3 gional consortium,” and inserting “institution”.

4 **SECTION 1. NATIONAL SEA GRANT COLLEGE PROGRAM.**

5 **(a) NATIONAL SEA GRANT COLLEGE PRO-**
6 **GRAM.—(1) Section 212(a) of the National Sea**
7 **Grant College Program Act (33 U.S.C. 1131(a))**
8 **is amended to read as follows:**

9 **“(a) GRANTS AND CONTRACTS; FELLOW-**
10 **SHIPS.—There are authorized to be appro-**
11 **priated to carry out sections 205 and 208,**
12 **\$34,500,000 for fiscal year 1996.”.**

13 **(2) Section 212(b)(1) of the National Sea**
14 **Grant College Program Act (33 U.S.C.**
15 **1131(b)(1)) is amended by striking “an**
16 **amount” and all that follows through “not to**
17 **exceed \$2,900,000” and inserting in lieu there-**
18 **of “\$1,500,000 for fiscal year 1996”.**

19 **(3) Section 203(4) of the National Sea**
20 **Grant College Program Act (33 U.S.C. 1122(4))**
21 **is amended by striking “discipline or field”**
22 **and all that follows through “public adminis-**
23 **tration)” and inserting in lieu thereof “field or**
24 **discipline involving scientific research”.**

25 **(b) REPEAL OF SEA GRANT PROGRAMS.—**

1 **(1) REPEALS.—(A) Section 208(b) of the**
2 **National Sea Grant College Program Act**
3 **(33 U.S.C. 1127(b)) is repealed.**

4 **(B) Section 3 of the Sea Grant Pro-**
5 **gram Improvement Act of 1976 (33 U.S.C.**
6 **1124a) is repealed.**

7 **(2) CONFORMING AMENDMENT.—Section**
8 **209 of the National Sea Grant College**
9 **Program Act (33 U.S.C. 1128(b)(1)) is**
10 **amended by striking “and section 3 of the**
11 **Sea Grant Program Improvement Act of**
12 **1976”.**

13 **SEC. 2. LIMITATION ON APPROPRIATIONS.**

14 **Notwithstanding any other provision of**
15 **law, no funds are authorized to be appro-**
16 **priated for any fiscal year after fiscal year**
17 **1996 for carrying out the programs for which**
18 **funds are authorized by the amendments**
19 **made by this Act.**

20 **SEC. 3. PROHIBITION OF LOBBYING ACTIVITIES.**

21 **None of the funds authorized by the**
22 **amendments made by this Act shall be avail-**
23 **able for any activity whose purpose is to influ-**
24 **ence legislation pending before the Congress.**

1 **SEC. 4. ELIGIBILITY FOR AWARDS.**

2 **(a) IN GENERAL.—The Administrator of the**
3 **National Oceanic and Atmospheric Adminis-**
4 **tration shall exclude from consideration for**
5 **awards of financial assistance made under**
6 **the National Sea Grant College Program Act**
7 **after fiscal year 1995 any person who received**
8 **funds, other than those described in sub-**
9 **section (b), appropriated for a fiscal year after**
10 **fiscal year 1995, from any Federal funding**
11 **source for a project that was not subjected to**
12 **a competitive, merit-based award process.**
13 **Any exclusion from consideration pursuant to**
14 **this section shall be effective for a period of**
15 **5 years after the person receives such Federal**
16 **funds.**

17 **(b) EXCEPTION.—Subsection (a) shall not**
18 **apply to awards to persons who are members**
19 **of a class specified by law for which assist-**
20 **ance is awarded to members of the class ac-**
21 **cording to a formula provided by law.**